

TEXAS SCHOOL FOR THE DEAF

BOARD MEMBERS: AUTHORITY

BBE

BOARD AUTHORITY The Board may act only by majority vote of the members present at a meeting held in compliance with the Government Code Chapter 551 (Open Meetings Act), at which a quorum of the Board is present and voting. Unless authorized by the Board, a member of the Board may not, individually, act on behalf of the Board. Education Code 11.051(a-1).

ACCESS TO INFORMATION When acting in the member's official capacity, a Board member has an inherent right of access to information, documents, and records maintained by the School.

"Official capacity" means all duties of office and includes administrative decisions or actions.

The School shall provide the information, documents, and records to the Board member without requiring the Board member to submit a public information request under Texas Government Code Chapter 552 (Public Information Act) and without regard to whether the requested items are the subject of or relate to an item listed on an agenda for an upcoming meeting.

The School shall provide a Board member with information, documents, and records requested not later than the 20th business day after the date the School receives the request. The School may take a reasonable additional period of time, not to exceed the 30th business day after the date the School receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. The School shall inform the Board member of the reason for the delay and the date by which the information will be provided.

If the School does not provide requested information to a Board member in the time required, the member may bring suit against the School for appropriate injunctive relief. A member who prevails in a suit is entitled to recover court costs and reasonable attorney's fees. The School shall pay the costs and fees from the budget of the superintendent's office.

CONFIDENTIAL INFORMATION

The School may withhold or redact information, a document, or a record requested by a Board member to the extent that the item is excepted from disclosure or is confidential under the Public Information Act or other law [see GBA]. A Board member shall maintain the confidentiality of information, documents, and records received from the School as required by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and any other applicable privacy laws. [See FL]

The School shall post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member under Education Code 11.1512(c) if the requests are for 200 or more pages of material in a 90-day period.

REPORT OF REQUESTS

The School shall report annually to the Texas Education Agency not later than September 1 of each year:

1. The number of requests submitted by a Board member under Education Code 11.1512(c) during the preceding school year; and
2. The total cost to the School for that school year of responding to the requests.

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Education Code 11.1512(c)–(f)

ACCESS TO STUDENT RECORDS Personally identifiable information in education records may be released, without the written consent of the student’s parents, only to a school official who has a legitimate educational interest in the education records. 34 CFR 99.31. [See FL]

OFFENSES REGARDING RECORDS AND INFORMATION A person, including a Board member, commits an offense if the person:

1. Willfully destroys, mutilates, removes public information without permission as provided by Government Code Chapter 552 (Public Information Act), or alters public information; or
2. Distributes information considered confidential under the terms of Government Code Chapter 552.

Gov’t Code 552.351, .352

[For information regarding the offenses of destruction or alienation of records and tampering with government records, see CPC. For information regarding misuse of official information, see BBFB.]

PROTECTIONS FOR LEGISLATIVE ACTIVITY A Board member may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer’s official capacity regarding a legislative measure;
2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
4. A breach of duty, in connection with the Board member’s practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding the officer’s actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

Gov’t Code 572.059

BOARD MEMBER IMMUNITIES The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. Education Code 22.051(b)

STATE LAW IMMUNITIES A Board member is not personally liable for any act that is incident to or within the scope of the duties of the Board member’s position and that involves the exercise of judgment or discretion. Education Code 22.0511(a)

FEDERAL LAW Except as provided in 20 U.S.C. Section 7946(b), no Board member shall be

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liable for harm caused by an act or omission of the Board member on behalf of the School if the conditions of the Paul. D. Coverdell Teacher Protection Act of 2001 are met. 20 U.S.C. Section 7943, 7946(a) . [See also DGC]

Issued:

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